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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,447	03/26/2004	Willis F. Miller	60058	1469

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EXAMINER

NGUYEN, NINH H

ART UNIT PAPER NUMBER

3745

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/811,447

Applicant(s)

MILLER, WILLIS F.

Examiner

Ninh H. Nguyen

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13 and 16 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 14, 15 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/26/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubota (6,856,042).

Kubota discloses wind turbine (Figs. 1-22) comprising rotatable drive shaft 14 (Fig. 2); a first rotor assembly 1 having a plurality of first rotor blades radially extending from a first hub 13a that is connected to the drive shaft; a second rotor assembly 3 having a plurality of second rotor blades radially extending from a second hub 13b; and means 21a for coupling the second hub to the drive shaft rearward of the first rotor assembly for rotation of the second rotor assembly thereabout independent of rotation of the first rotor assembly;

wherein the coupling means is a plurality of bearings (Fig. 2);

wherein the plurality of second rotor blades are angled for rotating the second rotor assembly in the same direction as the first rotor assembly (col. 6, lines 37-42);

wherein the wind turbine comprising a first stage generator 11 (Fig. 2) rotatably coupled to the drive shaft; and

Art Unit: 3745

wherein the turbine further comprising a second stage generator 11 (Fig. 2) operatively connected to the second rotor assembly.

3. Claims 1-5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Erren (2,177,801).

Erren discloses wind turbine (Fig. 1) comprising rotatable drive shaft 11; a first rotor assembly having a plurality of first rotor blades 8 radially extending from a first hub that is connected to the drive shaft; a second rotor assembly having a plurality of second rotor blades 27 radially extending from a second hub; and means (bearing 17) for coupling the second hub to the drive shaft rearward of the first rotor assembly for rotation of the second rotor assembly thereabout independent of rotation of the first rotor assembly;

wherein the coupling means is a plurality of bearings (Fig. 1);

wherein the first rotor assembly includes a first diameter and the second rotor assembly includes a second diameter larger than the first diameter (Fig. 1);

wherein the turbine further comprises means (columns 2, 3) for rotatably orienting the first and second rotor assemblies into the wind;

wherein the turbine further comprising a tail 8 rearward of the second rotor assembly for maintaining the orientation of the first and second rotor assemblies into the wind; and

wherein the wind turbine comprising a first stage generator 9 rotatably coupled to the drive shaft.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota in view of Erren.

Kubota discloses all the limitations as applied to claim 1 above except there are no means for orienting the first and second rotor assemblies into the wind and a tail rearward of the second rotor assembly for maintaining the orientation of the first and second rotor assemblies into the wind as claimed.

Erren teaches a wind turbine having a first and second rotor assemblies, wherein the wind turbine is rotatably supported on the columns 2 and 4; and a tail 8 rearward of the second rotor assembly for maintaining the orientation of the first and second rotor assemblies into the wind.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the wind turbine of Kubota with a support columns and the tail rearward of the second rotor assembly for the purpose of orienting the first and second rotor assemblies into the wind and for maintaining the orientation of the first and second rotor assemblies into the wind as commonly done in the art.

Art Unit: 3745

***Allowable Subject Matter***

6. Claims 11, 12, 15, 18, and 19, due to the limitation of a housing and the second rotor assembly is positioned intermediate the first rotor assembly and the housing, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 14 and 17, due to the limitation the second rotor assembly diameter larger than the first rotor assembly diameter, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 20, due to the limitation of ratchet assembly for engaging and releasing the first and second rotor assemblies, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 1 patent.

Roberts et al. (2,153,523) is cited to show a duel rotor wind turbine.

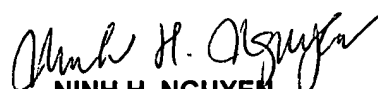
Art Unit: 3745

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).

  
NINH H. NGUYEN  
PRIMARY EXAMINER

Nhn  
March 31, 2005